

**PLANNING COMMISSION
REGULAR MEETING JANUARY 4, 2016**

Anthony Whelan, Chairman, opened the meeting at 6:00 P.M. with the following in attendance:

MEMBERS:

Anthony Whelan, Chair
Robert Pease, Vice-Chair
Harry Jancis - absent
Ray Krzykowski
Robert Clark
Dave Sletner, Alternate

OTHERS:

Sue Goggin, ZEO
Lori Rotella, Assistant ZEO
Jim Stewart, Public Works Director
Attorney Fitzpatrick – Borough Attorney

1. Anthony Whelan led with the Pledge of Allegiance. He took attendance, and noted there was a quorum. Dave Sletner was made a regular voting member in place of Harry Jancis.
2. Executive session with Borough Attorney.

There was no executive session.

3. Review /Approval of the December 7, 2015 Regular Meeting Minutes.

VOTED: Unanimously on a motion by Ray Krzykowski and seconded by Robert Clark to **APPROVE** the December 7, 2015 Regular Meeting Minutes.

4. NEW BUSINESS

- A. Commission discussion/decision regarding referral from the Zoning Commission for special permit for proposed hair salon and parking at 24 Golden Court & 451 North Main Street, Applicant: Vesel Nasufi

The applicant was not present for the meeting. Anthony Whelan tabled this until the February 1, 2016 meeting. The commission must vote on this item at the February 1st meeting due to timing issues.

- B. Commission discussion/decision regarding referral from the Board of Mayor and Burgesses pursuant to CGS 8-24 for proposed Permanent Drainage Easement Agreement for Diana & David Parady, 58 Kosko Lane.

Jim Stewart, Public Works Director, summarized for the commission the drainage issues between Lot 21 & 22 on Kosko Lane. Currently the drainage pipe goes through Lots 21 & 22 and empties out in the back yard. Jim specified the location of the current pipe and the direction it runs through Lots 21 & 22 and also Lots 20 & 29. He also explained that

during the fall the leaves clog the basin which causes the water to back up onto Kosko Lane and go down the driveway of Lot 21 (58 Kosko Lane) which then floods that garage and house. Lot 22 will not grant an easement on their property. Lot 21 will grant the easement needed to do the work. Jim believes an additional pipe will solve the problem to redirect the runoff. There will be 2 pipes to handle the water. The commissioners asked if any work will need to be done on Lot 22 and also inquired if they will be using perforated pipe. Jim affirmed there will be no work done on Lot 22. He also mentioned that Wayne Zirolli does not want to use perforated pipe due to the fact of the septic system in the back yard. The town will be responsible for the pipe after the project is complete. Attorney Fitzpatrick explained to the commission that this easement is part of the town's overall plan to rest peak drainage issues. Currently he believes we have approximately 17 such easements in place. Most of them are temporary but this one will be permanent. He went on to explain that this program is a direct result of the massive rainstorms in 2009 and explained the details of the program. Jim mentioned the work will begin in the spring.

VOTED: Unanimously on a motion by Robert Pease and seconded by Robert Clark to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses for the establishment of a permanent drainage easement between Diana & David Parady, 58 Kosko Lane and the Borough of Naugatuck.

- C. All new items require a 2/3 vote.

There was none.

5. OLD BUSINESS

- A. Commission discussion/decision regarding referral from the Zoning Commission for revisions to Section 59 of the Naugatuck Zoning Regulations.

Attorney Fitzpatrick summarized for the commission what the original language was in SDD #1 when it was created. Modifications were made to Section 59 for the Art6 application. The only modification the Zoning Commission is requesting at this time is to have the words "Market Rate" put back in front of the word housing. The commission had questions regarding if there was any legal impact if the wording was put back in. Attorney Fitzpatrick didn't see any legal reason why the regulations couldn't be revised back to the original wording "Market Rate" housing. He did explain that an applicant has the right to ask for affordable housing per state law. Currently, Naugatuck has less than 10% affordable housing units. There are approximately 9.7% units. Attorney Fitzpatrick discussed in detail affordable housing laws. You need to have valid reasons to deny an affordable housing project when you do not meet that 10% threshold. If an application does come in, the proof of burden shifts to the Zoning

Commission to show there is a health and safety danger connected to the property. The language “Market Rate” indicates to the developer that the town wants market rate housing but that does not stop them from bringing in an affordable housing project. Attorney Fitzpatrick also mentioned the process of getting an affordable house project approved can take years. 8-30g is the affordable housing statute. There are no penalties for being under the 10% of affordable housing ratio.

VOTED: On a motion by Robert Pease to send to the Zoning Commission a summary comment that the Planning Commission sees no value in incorporating the words “Market Rate” or “Affordable” into the regulations and seconded by Dave Sletner.

Robert Pease withdrew his motion and Dave Sletner withdrew his second on the motion.

VOTED: Unanimously on a motion by Robert Pease and seconded by Dave Sletner to send a **NEGATIVE REFERRAL** to the Zoning Commission for the proposed amendment to Section 59.

The Planning Commission finds the inclusion of either of the adjectives “Market Rate” or “Affordable” to be ineffectual in the context of the regulation.

6. ADJOURNMENT

VOTED: Unanimously on a motion by Robert Clark and seconded by Robert Pease to adjourn the meeting at 6:38 P.M.

RESPECTFULLY SUBMITTED:

Ray Krzykowski, Secretary/lr